

REMARKS

By the foregoing Amendment, the Related Applications section has been updated, the Abstract has been shortened, as requested by the Examiner, and Claim 1 has been amended as suggested by the Examiner. Favorable reconsideration of the application is respectfully requested.

Claims 22-34 were rejected under the judicially created doctrine of obviousness type double patenting in view of U.S. Patent No. 6,672,307. It is believed that with the enclosed Terminal Disclaimer, the rejection for obviousness type double patenting can be withdrawn.

Claims 22-23, 26-29, 32 and 34 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Nielson, disclosing a gas mask with an optical insert. The Examiner asserted that Nielson discloses a flexible optical lens [or insert] of optical quality disposed in the flexible mask assembly. The Examiner referred to Nielson at column 2, lines 55-69, which describes "an optical insert for attachment to, and to be within the confines of, improved, present-day military gas mask constructions," and "a flexible elastomeric lens frame along the lines of conventional spectacles so as to leave the prescription lenses more independent of the movements of the mask." At column 3, lines 50-55, Nielson discloses that the nosepiece 10 mounts spectacle frames 12 adapted to receive spectacle glasses 13. At column 3, lines 25-26, Nielson discloses that the mask includes windows B fitted with glass seals C. Claim 22 recites "a flexible optical lens of optical quality disposed in said flexible mask assembly." It is respectfully submitted that

the glass seals C and the spectacle glasses 13 of Nielson are inflexible lenses, and that Nielson does not teach, disclose or suggest a flexible optical lens of optical quality disposed in a flexible mask assembly, as is claimed. It is respectfully submitted that Claims 22-23, 26-29, 32 and 34 are novel and inventive over Nielson, and that the rejection of Claims 22-23, 26-29, 32 and 34 on the grounds of anticipation by Nielson should be withdrawn.

Claims 24-25 and 33 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Nielson in view of Boeckeler or Lim et al., both cited as disclosing scratch and abrasion-resistant coatings on optical lenses. However, it is respectfully submitted that Nielson, Boeckeler, and Lim et al. do not teach, disclose or suggest a flexible optical lens of optical quality disposed in a flexible mask assembly, as is claimed. It is therefore respectfully submitted that Claims 24-25 and 33 are novel and inventive over Nielson, Boeckeler, and Lim et al., taken individually or in combination, and that the rejection of Claims 24-25 and 33 on the grounds of anticipation by Nielson in view of Boeckeler or Lim et al. should be withdrawn.

Claim 30 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Nielson in view of Aulgur et al. or Landis, which were both cited as teaching use of a harness strap which can be inflated. However, it is respectfully submitted that Nielson, Aulgur et al., and Landis do not teach, disclose or suggest a flexible optical lens of optical quality disposed in a flexible mask assembly, as is claimed. It is therefore respectfully submitted that Claim 30 is novel and inventive over Nielson, Aulgur et al., and Landis, taken individually or in combination, and that the rejection of Claim 30 on

the grounds of obviousness from Nielson in view of Aulgur et al. or Landis should be withdrawn.

Claim 31 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Nielson in view of Bauer et al., which was cited as disclosing use of a mask formed of a single piece of material. However, it is respectfully submitted that Nielson and Bauer et al. do not teach, disclose or suggest a flexible optical lens of optical quality disposed in a flexible mask assembly, as is claimed. It is therefore respectfully submitted that Claim 31 is novel and inventive over Nielson and Bauer et al., taken individually or in combination, and that the rejection of Claim 31 on the grounds of obviousness from Nielson in view of Bauer et al. should be withdrawn.

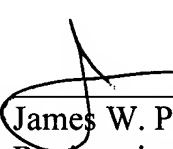
Applicant has reviewed the additional prior art made of record and not relied upon, and it is believed that the additional prior art made of record and not relied upon is no more pertinent than the references actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested. Our check in the amount of \$110.00 is enclosed to cover the fee for filing the disclaimer.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:


James W. Paul
Registration No. 29,967

JWP:rvw
Encl.: Terminal Disclaimer
Return Postcard
Check

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

68980.1

Serial No. 10/671,379
BEAER 65632